

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.271 OF 2006

In

NOTICE OF MOTION NO.2117 OF 2005

In

SUIT NO.1135 OF 2005

Laxman Yellappa Rajgole

: Appellant

(Orig. Plaintiff)

V/s.

Nitin Mahadeo Pawar & Ors.

: Respondents

(Orig. Defendants)

...

Mr.R.A.Yadav for the appellant.

Mr.P.B.Naiknaware for the respondents.

...

CORAM : R.M.LODHA & S.A.BOBDE, JJ.

DATE : SEPTEMBER 4, 2006.

P.C.

1. Heard.

2. The prima facie finding recorded by the learned Motion Judge that the agreement is not an agreement for sale does not call for any interference at this stage.

3. In this view of the matter, dismissal of the Motion does not suffer from any error of law or fact.

4. Appeal is dismissed in limine.

5. Needless to say that the prima facie finding recorded by the learned Motion Judge and confirmed by us shall have no bearing at the final hearing of the suit.

R.M. LODHA, J.

S.A. BOBDE, J.